

REMARKS

The Examiner has rejected claims 1-14 as anticipated by U.S. Patent No. 5,429,225 to Schiesser *et al.* ("Schiesser") under 35 U.S.C. § 102(b) and rejected claims 1-9 under 35 U.S.C. § 112, ¶ 2 as indefinite. In this response, Applicants have amended claims 1-7 and 10-13. As a result, claims 1-14 remain at issue in the application.

As to the rejection under 35 U.S.C. § 112, Applicants have amended the claims to address the Examiner's rejections and submit that those corrections are self-evident given the specificity of the Examiner's rejections.

As to the rejection of claim 1 under 35 U.S.C. § 102(b), the Examiner notes that he has disregarded the limitation of the final clause of claim 1 because it is merely a functional limitation. In response, Applicants have amended claim 1 to represent the final clause of claim 1 as a "means for" performing corresponding to the structural elements recited in the specification and equivalents thereof. In doing so, Applicants did not narrow the scope of claim 1. Applicants note that Schiesser does not disclose such a means because the structure of Schiesser does not disclose any means for providing "a signal to an adjacent, upstream zone to begin conveying cartons only when the sensor within the at least one zone senses the absence of a carton within the zone." Therefore, Applicants submit that claim 1 is not anticipated by Schiesser.

Claims 2-6 depend from claim 1 and include the limitations of claim 1. Additionally, claims 2-6 require the actuator comprise two pistons. Schiesser does not disclose an actuator that has two pistons. Therefore, Applicants submit that claims 2-6 are not anticipated by Schiesser.

Claims 7-9 depend from claim 1 and include the limitations of claim 1. Additionally, claims 7-9 require dummy sensors in a second plurality of zones in addition to the "smart"

sensors within a first plurality of zones. Schiesser does not disclose dummy sensors in conjunction with "smart sensors" as required by these claims. Therefore, Applicants submit that claims 7-9 are not anticipated by Schiesser.

Claim 10 requires the step of "holding the sensor in a down position ... when the conveyor is accumulating cartons and an adjacent, downstream sensor does not sense the presence of a carton within the downstream, adjacent zone." Schiesser does not disclose holding the sensor down when the two conditions apply, namely the conveyor is accumulating cartons and an adjacent, downstream sensor does not sense the presence of a carton within the downstream, adjacent zone. Therefore, Applicants submit that claim 10 is not anticipated by Schiesser.

Claims 11-14 depend from claim 10 and include the limitations of claim 10. Therefore, claims 11-14 are not anticipated by Schiesser for at least the same reasons as claim 10.

Based on the foregoing, the allowance of claims 1-14 is respectfully requested. If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, the Examiner is requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,



Nelson D. Nolte, Reg. No. 42,938
Polster, Lieder, Woodruff & Lucchesi, LC
763 South New Ballas Road
St. Louis, Missouri 63141
Tel: (314) 872-8118
Fax: (314) 991-2178

RECEIVED
CENTRAL FAX CENTER

OCT 16 2003

OFFICIAL